

Message Text

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PAGE 01 USUN N 01907 01 OF 02 151641Z
ACTION DLOS-09

INFO OCT-01 IO-13 ISO-00 AGR-01 ACDA-07 AID-05 CEA-01
CEQ-01 CG-00 CIAE-00 EPG-02 COME-00 DODE-00
DOTE-00 EB-07 EPA-01 ERDA-05 FEAE-00 FMC-01
TRSE-00 H-01 INR-07 INT-05 JUSE-00 L-03 NSAE-00
NSC-05 NSF-01 OES-07 OMB-01 PA-01 PM-04 PRS-01
SP-02 SS-15 USIA-06 AF-10 ARA-10 EA-07 EUR-12
NEA-10 OIC-02 /164 W

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P 151541Z JUN 77

FM USMISSION USUN NEW YORK
TO SECSTATE WASHDC PRIORITY 4043

C O N F I D E N T I A L SECTION 1 OF 2 USUN 1907

FROM LOS DEL

E.O. 11652: N/A

TAGS: PLOS

SUBJECT: LOS (SITREP - JUNE 13)

1. COMMITTEE I

NO COMMITTEE MEETING TOOK PLACE. CHAIRMAN ENGO WILL RECONVENE COMMITTEE I JUNE 14 AT WHICH TIME THE PROGRAM OF ACTION FOR THE NEXT FIVE WEEKS SHOULD BECOME CLEARER. IT IS EXPECTED THAT HE WILL INITIATE DECISION OF SO-CALLED INSTITUTIONAL QUESTIONS (STRUCTURE OF AND VOTING IN THE ASSEMBLY AND COUNCIL). ENGO IS STILL HOLDING EVENSEN'S FINAL COMPROMISE PROPOSAL ON KEY ELEMENTS OF THE SEABED REGIME, AND IT APPEARS THAT HE MAY WAIT UNTIL THE END OF THE WEEK BEFORE RELEASING A TEXT, WHICH MAY OR MAY NOT INCLUDE HIS OWN PERSONAL REVISION OF EVENSEN'S WORK.

2. IN THE PAST WEEK THE USDEL (DARMAN AND SMITH) HAS DISCUSSED THE QUOTA/ANTI-MONOPOLY ISSUE PRIVATELY WITH
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 USUN N 01907 01 OF 02 151641Z

THE SOVIET DEL AND IN G-5 MEETINGS, SINCE EVENSEN INTRODUCED UNACCEPTABLE LANGUAGE IN HIS ARTICLES 9 AND 22 - AT THE INSTIGATION OF THE USSR, SUPPORTED BY OTHERS - WE HAVE SOUGHT TO JOIN THE ISSUE PRIVATELY TO PREVENT A PROVISION UNACCEPTABLE TO US FROM GAINING WIDE ACCEPTANCE.
BOTH ENGO AND EVENSEN ARE AWARE OF THE INDUSTRIAL

COUNTRY CONSULTATIONS ON THE QUOTA/ANTI-MONOPOLY ISSUE AND WILL PROBABLY GO ALONG WITH WHATEVER ACCOMMODATION IS REACHED. THE CONSULTATIONS HAVE FOCUSED ON DRAFTING A GENERAL ANTI-MONOPLY PRINCIPLE FOR INCLUSION IN ARTICLE 9, ON THE CONDITION THAT ANNEX I WOULD CONTAIN SPECIFIC OPERATIONAL PROVISIONS.

2. COMMITTEE II.

CHAIRMAN AGUILAR (VENEZUELA) HELD THE FIRST MEETING OF COMMITTEE II IN INFORMAL SESSION JUNE 13. THE COMMITTEE AGREED TO FOLLOW THE PROCEDURE OF THE LAST SESSION AND CONSIDER ITEMS OF HIGH PRIORITY IN OPEN-ENDED NEGOTIATING GROUPS WHICH WOULD QUICKLY GIVE WAY TO SMALL CONSULTATIVE GROUPS. THREE GROUPS WOULD BE ESTABLISHED: I - THE JURIDICAL STATUS OF THE EXCLUSIVE ECONOMIC ZONE AND THE RIGHTS AND DUTIES OF COASTAL STATES AND OTHER STATES IN THE EEZ; II - THE DEFINITION OF THE OUTER BOUNDARY OF THE CONTINENTAL SHELF BEYOND 200 MILES AND REVENUE SHARING BEYOND 200 MILES; III - DELIMITATION OF THE TERRITORIAL SEA, EEZ, AND CONTINENTAL SHELF BETWEEN OPPOSITE AND ADJACENT STATES.

4. THE GROUP CONCERNED WITH LAND LOCKED ACCESS TO THE SEA AND FREEDOM OF TRANSIT WHICH MET LAST SESSION WAS CLOSE TO AN AGREEMENT ON A TEXT AND THE CHAIRMAN WILL SEE IF THE STATES CONCERNED RESOLVE ANY REMAINING PROBLEMS WITHOUT RECONVENING THAT GROUP. THE GROUP OF 21 WILL CONTINUE TO DEAL WITH LAND LOCKED AND GEOGRAPHICALLY DISADVANTAGED STATES ACCESS TO LIVING
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PAGE 03 USUN N 01907 01 OF 02 151641Z

RESOURCES IN NEIGHBORING ECONOMIC ZONES. OTHER SUBJECTS MAY BE THE SUBJECT OF CONSULTATION WITH THE STATES CONCERNED AND WITH THE CHAIRMEN, ALTHOUGH IT IS POSSIBLE THEY MIGHT BE DISCUSSED IN COMMITTEE AT A LATER TIME. THE NEGOTIATING GROUPS WILL MEET JUNE 14 AND THE CONSULTATIVE GROUPS ON THE 15TH.

5. SEVERAL STATES INDICATED THAT OTHER SUBJECTS SHOULD GET CLOSE ATTENTION AND PERHAPS PRIORITY. COLOMIBA STRESSED THE QUESTION OF DELIMITATION. SPAIN, OMAN AND BAHRAIN RAISED THE QUESTION OF STRAITS AND REQUESTED THAT A STRAITS GROUP BE ESTABLISHED. THE CHAIRMEN PROPOSED THAT INSTEAD THE INTERESTED STATES FIND A METHOD TO OBIVIATE PROBLEMS AND INDICATED THAT HE WAS PERHAPS WILLING TO PLAY A UNSPECIFIED ROLE. THE QUESTION OF ISLANDS WAS RAISED BY ALGERIA, TURKEY, LIBYA, BAHRAIN AND THE UNITED KINGDOM. POLAND, CHILE SWAZILAND, UGANDA, AND AFGHANISTAN SUPPORTED THE WORK OF THE GROUP OF 21 WITH SOME RAISING THE QUESTIONS AS

TO WHAT HAPPENS IF THE GROUP DOES NOT SUCCEED. BELGIUM, BANGLADESH, TANZANIA, INDONESIA AND MADAGASCAR INDICATED THAT OTHER MATTERS MIGHT HAVE TO BE CONSIDERED. ECUADOR, STATED THAT SOME DELEGATIONS CAN NOT CHANGE THEIR POSITION ON ONE ISSUE UNTIL OTHER THINGS ARE CLEARED UP. THEY DID NOT CONFINE THE LINKAGE TO COMMITTEE 2 ISSUES. THE GROUP OF 5 MET ON STRAITS AND AGREED TO PRESENT THE FOLLOWING ADDITION TO ARTICLE 42 OF PART III TO MALAYSIA (AND SPAIN):

QUOTE HOWEVER IT A FOREIGN SHIP OTHER THAN THOSE REFERRED TO IN SECTION 11 OF THIS CHAPTER HAS COMMITTED A VIOLATION OF THE LAWS AND REGULATIONS REFERRED TO IN SUBPARAGRAPHS 1(A) AND (B) OF ARTICLE 40 OF PART II OF THIS CONVENTION CAUSING OR THREATENDING MAJOR DAMAGE TO THE COASTLINE OR RESOURCES OF THE STRAITS AND HAS FAILED TO COMPLY WITH A REQUEST TO CONFORM TO THESE LAWS
CONFIDENTIAL

CONFIDENTIAL

PAGE 04 USUN N 01907 01 OF 02 151641Z

AND REGULATIONS, THE STATES BORDERING THE STRAITS MAY TAKE APPROPRIATE (ENFORCEMENT) MEASURES AND IF SO SHALL RESPECT MUTATIS MUTANDIS THE PROVISIONS OF SECTION 8 OF THIS CHAPTER. END QUOTE

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PAGE 01 USUN N 01907 02 OF 02 151653Z
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P 151541Z JUN 77

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CONFIDENTIAL SECTION 2 OF 2 USUN 1907

6. COMMITTEE III.

THE COMMITTEE AGREED ON ITS METHOD OF WORK AND SUBJECTS FOR NEXT TWO WEEKS. ON MARINE POLLUTION, VALLARTA (MEXICO) WILL CHAIR INFORMAL MEETINGS CONCENTRATING ON VESSEL SOURCE POLLUTION. SUBJECTS TO BE DISCUSSED INCLUDE COASTAL STATE ENFORCEMENT, PORT STATE ENFORCEMENT, FLAG STATE OBLIGATIONS, ENFORCEMENT SAFEGUARDS INCLUDING FLAG STATE PRE-EMPTION, AND COASTAL STATE STANDARD-SETTING IN THE TERRITORIAL SEA.

7. ON SCIENTIFIC RESEARCH, CHAIRMAN YANKOV (BULGARIA) WILL CHAIR INFORMAL MEETINGS, POSSIBLY INCLUDING SOME SESSIONS AT LEVEL OF HEAD OF DELEGATION. DISCUSSIONS WILL CONCENTRATE ON QUESTIONS OF CONSENT REGIME, TACIT CONSENT CONCEPT, COASTAL RIGHTS TO STOP PROJECTS WHEN UNDERWAY, AND APPLICATION OF COMPULSORY DISPUTE SETTLEMENT PROCEDURES. USSR RENEWED PUBLIC PITCH FOR COMPLETELY DISCRETIONARY CONSENT REGIME FOR COASTAL STATES.

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PAGE 02 USUN N 01907 02 OF 02 151653Z

8. DISPUTE SETTLEMENT

IN RESPONSE TO THE NEED ENVINCED BY THE SOVIET UNION AS TO ARTICLE 9(1) (A), THE US PROPOSED AN AMENDMENT ENABLING A STATE NOT ACCEPTING THE JURISDICTION OF THE FULL LAW OF THE SEA TRIBUNAL NONETHELESS TO ACCEPT AND BE BOUND BY THE SEABED DISPUTE CHAMBER OF THAT TRIBUNAL FOR ADJUDICATION OF ALL PART I MATTERS. IN A DISCUSSION WITH THE SOVIET REPRESENTATIVE TO PART IV NEGOTIATIONS (ROMANOV) ON 13 JUNE, THE US REPRESENTATIVE (SOHN) WAS TOLD THAT ALTHOUGH THE SOVIET UNION FINDS THE US AMENDMENT SATISFACTORY IT IS NOT ABLE TO ENDORSE IT IN PUBLIC (BECAUSE OF CHINA), AND WILL PRESENT A DIFFERENT AMENDMENT. BUT IT WILL INFORM PRESIDENT AMERASINGHE IN PRIVATE THAT IT ACCEPTS THE US AMENDMENT.

9. GENERAL COMMITTEE

PRESIDENT AMERASINGHE CHAIRED A GENERAL COMMITTEE MEETING IN WHICH THE THREE SUBSTANTIVE COMMITTEE CHAIRMEN DISCUSSED THEIR PLANS FOR THE REMAINDER OF THE CONFERENCE, AS REPORTED ABOVE.
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